



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street, 3rd floor  
New York, New York 10007*

January 13, 2023

**BY ECF**

The Honorable Paul A. Engelmayer  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *ACLU et al. v. DOD et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

This Office represents the defendant agencies (“Defendants”) in the above-captioned lawsuit brought pursuant to the Freedom of Information Act (“FOIA”). We write respectfully on behalf of the parties to provide a joint status update pursuant to the Court’s Order dated December 12, 2022 (ECF No. 176).

Since the last report, the Defendants have unfortunately not achieved substantial progress, for which the undersigned apologizes. More specifically, the undersigned needed to conduct additional final consultations within the Government relating to Defendants’ counter-offer on the issue of fees, but those consultations were not completed in large part due to the holiday schedules of relevant personnel. The Government continues to work on this issue, however, and given the ongoing nature of these consultations, the parties respectfully and jointly ask the Court’s leave to submit a further status report by March 10, 2023 (Defendants request this date in part because the undersigned is also preparing for a trial in February). We thank the Court for its consideration of this request.

Respectfully,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York  
*Attorney for Defendants*

By: /s/ Rebecca S. Tinio  
REBECCA S. TINIO  
Assistant United States Attorney  
86 Chambers Street, Third Floor  
New York, NY 10007  
Tel.: (212) 637-2774  
Facsimile: (212) 637-2686  
E-mail: rebecca.tinio@usdoj.gov

The Court appreciates this update from the parties. The next status update is due March 10, 2023.

SO ORDERED.

Paul A. Engelmayer  
PAUL A. ENGELMAYER  
United States District Judge  
January 18, 2023